81-2410

Office - Supreme Court, U.S.
FILED
MAY 10 1982
ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MAY TERM, 1982

NO.

ALEXANDER GEE,

Petitioner

vs.

RENNIE F. GEE,

Respondent

ON APPEAL FROM THE SUPREME COURT

OF STATE OF CALIFORNIA

ALEXANDER GEE
16737 Foothill Boulevard
Fontana, California 92335
Telephone: (714) 829-9774
823-2329
Pro Se

QUESTION PRESENTED

1. Does the judgments entered in the Superior Court of California for the County of San Bernardino based on the ground of prejury testimoney and the sttorneys' bribery and conspiracy to suppress records and documents are a due process of law? Is the judgments are the conduct prejudical to administration of justice and obstructing justice?

2. Does the Fourth Appellate Court of the State of California refused to accepted records of petitioner's sole property violated Section 1 of the Fourteenth Amendment to the United States Constitution?

3. Is the Judgments entered in the above entitled-action violated petitioer's constitutional right under Section 10 Artical 1 to the United States Constitution in contractal Obligation of marriage agreement, a cruel and unusual punishments?

TABLE OF CONTENTS

QUESTION PRESENTED ..... Page (i)

OPINION BELOW 2

JURISDICTION STATEMENT 2

PERTINMENT CONSTITUTIONAL AND STATUTORY PROVISION 2-4

STATEMENT OF THE CASE 5,6

WHY CERTIORARI SHOULD BE GRANTED:

ARGUMENT 6

SUMMERY OF FACTS 7-9

CONCLUSION 10

AFFIDAVIT OF SERVICE 11

APPENDIX

NOTICE OF APPEAL, APRIL 6, 1982 ..... A1-A3

ORDER OF FEBRUARY 10, 1982 ..... A4

OPINION OF NOVEMBER 17, 1981 .....A5-A12

TABLE OF AUTHORITIES

Cases:

Noble v. Union River Logging R. Co.,
147 U.S. 165(1892) 9

Reynold v. Stockton,
140 U.S. 254 (1890) 9

State ex rel v. Muench,
217 Mo. 124, 117 S.W. 25 (1909).. 9

Yick Wo v. Hopkins
118 U.S. 356 7

IN THE

SUPREME COURT OF THE UNITED STATES

MAY TERM, 1982

NO.

ALEXANDER GEE,

Petitioner

vs.

RENNIE F. GEE

Respondent

ON APPEAL FROM THE SUPREME COURT
OF STATE OF CALIFORNIA

The petitioner, Alexander Gee, respectfully prays that a writ of certiorari issue to review the judgment of the Fourth Appellate Court of the State of California entered on December 1, 1981.

OPINION BELOW

The Supreme Court of the State of California denied appellant's petition for hearing on February 10, 1982 of the above entitled-action, Alexander Gee vs. Rennie F. Gee. A copy of that opinion is attached in petitioner's appendix. The judgment of Fourth Appellate Court of the State of California is thereby of the highest state court in which a judgment could be had in this case. This petition has been filed within 90 days of the order of the court's filed of denial. Supreme Court Rule 33.7.

JURISDICTION STATEMENT

Jurisdiction of this Court is invoked pursuant to 28 USC 1257(3).

PERTINENT CONSTITUTIONAL AND STATUTORY PROVISION

UNITED STATES CONSTITUTION:

Artical I Section 10(1) ...No state shall pass any Bill or Law impairing the Obligation of Contracts.

Artical VI(2) This Constitution, and the Laws of the United States ... shall be supreme Law of the Land; ...

Amendment XIV .... nor shall any person .... be deprived life, liberty, or property without due process of law; nor deny any person within its jurisdiction the equal protection of laws.

Title 42 U.S.C.A. Paragraphs:

1981 ..... all person have equal equal privileges and equal penalities,

1982 ..... all person equal right to hold and convey property,

1985 ..... right to be free of conspiracy and the equal protection of law.

CALIFORNIA CONSTITUTION PROVISION RELATED TO RIGHTS:

Section 1, all people have inalienable rights, Amongs these are .... life and liberty, accquiring, possessing, and protecting property, ...

Section 7(a) A person may not be deprived of liberty, or property without due process of law or denied equal protection of laws.

Section 21. Property owned before marriage or accquired during marriage by gift, will or inheritance is seperate property.

Section 26. The provision of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

CALIFORNIA CODE OF CIVIL PROCEDURE SECTION:

4425(d) Voidable marraige, the consent of either party was obtained by fraud, unless such party afterward, with full knowledge of facts constituting the fraud, freely cohabited with other as husband and wife.

4531 Expressly grants jurisdiction to the Superior Court in material dispute case to inquire into parties property rights and to make appropriate judgment and order to settle these right.

4533 When six months have expired from the date of filing of joint petition from summary dissolution, the court may... enter the final judgment disolving the marraige, ... The clerk shall send a notice of final judgment to each other parties at his or her last known address.

5108. All property owned by husband before marraige, and accquired afterward by gift, bequest, devise, or descent, with rent, issues and profit of, is his seperate property .....

5110 Community property presumption acquistion by husband and wife except as provided in section 5107, 5108 and 5109.

CALIFORNIA PENAL CODE SECTION 503:

Embezzlement is the fraudulent appropriation of property by a person to whom it has been intrusted.

182 Conspiracy consists of any agreement between two or more person to commit any crime ... due administration of justice ..... .

STATEMENT OF THE CASE

The respondent, Rennie F. Gee, and I were married according to the Chinese tradition under the sovereign of a foreign government. The marraige agreement called for the respondent as his wife and mother of his children with no property right, and work for the benevolent of my family without compensation. In even of violated moral turpitade, she will be expelled without any property right and or compeensation. After the marriage had been completed and agreement had been executed, the marriage then registered in Hong Kong for record for immigration visa for her to come to the United States as his wife.

When the respondent, Rennie F. Gee applied for United States citizenship, petitioner requested the Immigration Service to withhold her application as his wife. However, the Immigration Service granted her Unitied

States citizenship and failure to act on my request. Rennie F. Gee also used unqualified witness in her application. A prejury in itself.

The disolution of marraige Rennie F. Gee was granted by bribery and conspiracy that violated each and every pertieent constitution and laws stated above, and deprived petitioner's right secured by constitution and laws.

WHY CERTIORARI SHOULD BE GRANTED

1. Argument:

A divorce suit on property issues are place before the court every controversy that raise by the parties, and the parties are not free of constitutional mandate to provide the opposite any records and evidence has a legal obligation to reveal or produce. The judgment involves a property interest protected by Section 1 of the federal constitution's Fourteenth Amend-

ment.

2. Summary of facts:

In the Show Cause hearing, judgment entered in favor of Rennie F. Gee and her commond-law husband and deprived petitioner's perperty right and pay child support on nagative income over petition's protest, and on prejury testimoney of the respondent. A sexual and racial discrimination. Yick Wo vs. Hopkins, 118 U.S. 356. Court record of hearing destroyed.

The respondent conspired with petitioner's attorney, before Judge William Hyde. Nothing was done from May 1977 to January 1978. Not one, none, Subpoena was issued for records and documents of petitioner's sole and seperate property. There are no disqualification for Judge Hyde as the interlocutory judge.

The attorneys shopping for Judge Howard B. Wiener as their interlocutory judge.

Before this judge, petitioner was deprived his property right under Section 1 of the federal constitution's Fourteenth Amendment by bribery and conspiracy of suppress evidence and prejury testimoney of dispute.

After petitioner fired his attorney, the respondent and her attorney again conspired petitioner's attorney obtained the Final Judgment with prejury application by concealled the hearing and Notice for Final Judgment from petitioner.

In the Preliminary Hearing before Judge Patrick J. Morris, the respondent was represented by her attorney John Rager. While petitioner was in propria persona waiting in the courtroom. Her attorney conferred secretly with the judge in his chamber and come out denied petitioner's petition for injunction and to vacate judgment. The denial of the petition to vacate judgment is the court's motion,

and the courts cannot ex mero motu. State ex rel. v. Muench, 217 Mo. 124, 138, 117 S.W. 25, 29(1909). See also Noble v. Union River Logging R. Co., 147 U.S. 165, 173(1892); Reynold v. Stockton, 140 U.S, 254(1890). It is coram non judice and void.

In appealling the above entitled-action to the Fourth District Court of Appeal of State of California, petitioner submitted record from Dean Witter of the stocks he sold for his home, business and buainess property, stocks had been conveyed by the respondent, and Notice of Default and election to sell under Deed of Trust. The default was paid off by petitioner's fund before marraige. The respondent was penny-less and we have no community income.

The are no denial from the respondent and/or her attorney dispute petitioner's allegation of husband's property secured by California constitution and laws.

The Opinion of the Fourth District Court are not based on material facts in file. It is a blatant and grievous error of obstruction of justice , constituting a denial of due process of law. It is also ex mero motu and coram non judice and void.

In the related case, Gee vs Milton C. Dawson et. al now appealing to this Court, The Fourth District Court strike out petitioner's opening brief but not the brief of this action, It is an violation of Section 1 of the Constitution of the United States and an obstruction of justice.

CONCLUSION

For the reasons stated, petitioner urges certiorari issue to review the opinion and judgments of California courts.1/2/

1/ Not certified by State Attorney General under Title 28 USC 1254(1).
2/ Petitioner in the process of submitting petition to this Court from the Ninth Cir- Court deal with common issues to all defendants in federal offenses.

Respectfully submitted:

ALEXANDER GEE
16737 Foothill Boulevard
Fontana, California 92335
Telephone: (714) 829-9774

Pro se

AFFIDAVIT OF SERVICE

I, Alexander Gee, in pro per, certify that copies of the forgoing Petition for Appeal to the United States Supreme Court have been service to the respondent's attorney (3 copies) and one copy send to the Attorney General of the State of California, Sacremento, California 95814 this day.

This 19th day of May, 1982.

ALEXANDER GEE, In Pro Per
16737 Foothill Boulevard
Fontana, California 92335

COURT OF APPEAL-FOURTH DIST
FILED
APR 6 1982
RICHARD J. SMITH, ACTING
CLERK

COURT OF APPEAL - FOURTH DISTRICT

DIVISION TWO

STATE OF CALIFORNIA

In re the Marriage of)	
ALEXANDER GEE,)	CASE NUMBER 25308
Appellant)	S.C. No FL-28894
vs.)	NOTICE OF APPEAL
RENNIE GEE,)	TO THE UNITED STATES
Respondent)	SUPREME COURT

Notice is hereby given that the ALEXANDER GEE, plaintiff-appellant above named, appeals to the United States Supreme Court from denial of appellant's petition for rehearing filed on February 10, 1982, in the Supreme Court of the State of California.

That the judgments entered in the Court of Appeals, Division Two for the State of

California affirmed the Superior Court of California for the County of San Bernardino decision deprived and violated appellant's right guarantted by the Constitution of the United States in contractal obligation and the property right secured by California Constitution, the Immigration Laws of the United States in for crime involving moral trupitade, and under the Fourteenth Amendment of the United States in equal protection of law and the judgment are without due process of law.

Jurisdiction is conferred on the Supreme Cpurt of the United States by authority of Title 42 U.S.C.A. 1983 for bribery and conspiracy for the deprivation and violation of appellant's federal right secured by Constitution and laws of the United States; Title 42 for conspiracy with the attorneys for violation and deprivation of federal right with sexual and/or racial discrimina-

tion; Title 42 U.S.C.A. 1981 for violation of equal privileges and equal penalities; Title 42 U.S.C.A. 1982 for bribery and conspiracy for convey real and personal property without due process of law, and by Title 28 U.S.C.A. Paragraph 1343(3) (4) and prusuant to the Thirteenth Amendment of the Constitution of the United States to redress the deprivation of right, privileges and immunities secured thereby.

DATED: April 6th, 1982 at Fontana, California.

/s/ ALEXANDER GEE

ALEXANDER GEE, In Pro Per
16737 Foothill Boulevard
Fontana, California 92335
Telephone: (714) 829-9774

I, Alexander Gee, in pro per, certify that copies of the forgoing Notice have been served by first class upon all parties as required by law to be served.

This the 6th day of April, 1982.

/s/ ALEXANDER GEE
ALEXANDER GEE, In Pro Per

SUPREME COURT
F I L E D
FEB 10, 1982
LAURENCE P. GILL, Clerk
/s/ RCM
Deputy

ORDER DENYING HEARING
AFTER JUDGMENT BY THE COURT OF APPEAL
4th District, Division 2, Civil No. 25308

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

IN RE THE MARRIAGE OF GEE

GEE

v.

GEE

Appellant's petition for hearing DENIED.

/s/ BIRD
Chief Justice

NOT TO BE PUBLISHED IN OFFICIAL REPORT

COURT OF APPEAL-FOURTH DIST.
F I L E D
NOV 17, 1981
ROBERT L. FORD, Clerk

Deputy Clerk

COURT OF APPEAL, FOURTH DISTRICT

DIVISION TWO

STATE OF CALIFORNIA

In re the Marriage of RENNIE F. GEE and ALEXANDER GEE	
RENNIE F. GEE, Respondent, and ALEXANDER GEE, Appellant,	4 Civil 25308 (Super.Ct.No. FL 28894) O P I N I O N

APPEAL from the Superior Court of San Bernardino County.

Paterick J. Morris, Judge. Affirmed

Alexander Gee, in pro per., for appellant.

Rager & Winstead and John Rager for Respondent.

THE COURT*

Husband appeals from a December 2, 1980, court order which denied his motion to vacate the interlocutory judgment of dissolution, which denied his motion to enjoin a writ of excution in enforcement of interlocutory judgment and which denied his motion to dismiss wife's opposition to husband's injunction motion.

An interlocutory judgment of disolution was granted in this case on February 23, 1978 in 4 Civil 20102 for husband's failure to timely designate the appeal record. A final judgment of dissolution was entered on June 20, 1978.

On October 9, 1980, a writ of execution

Before Gardner, P.J., Morris J., and Tamura, J.

**Retired Associate Justice of the Court of Appeal, assigned by the Chairperson of the Judicial Council.

issued in enforcement of the interlocutory judgment. The writ was in the principal sum of $13,100 plus cost and interest.

On October 17, 1980, husband filed a motion to vacate the "judgment entered." Husband did not identify the judgment he sought to overturn but it is presumably the interlocutory judgment of dissolution of marriage (and perhaps the final judgment also). The motion recited that the judgment "violated his federal rights, and California Civil Codes and Penal Codes. [W]Among the appellees of the said case [apparently a reference to a federal case] are two judges, both attornies, and the petitioner. The judges, Duke D. House and Howard B. Weiner had conspired with John Rager and Milton C. Dawson violated Civil Codes 5107, 5108, 5110, 4425, and entered judgment against Alexander Gee. The judges are in defiance of California Civil Codes

Section 4801 and 4502 order and violated his constitutional right, and the California Penal Codes with criminal negligants [sic]."1/

On November 10, 1980, husband filed a motion for a preliminary injunction. Husband wished to enjoin enforcement of the writ of execution. The motion recited that "an injunction is required to avoid irreparable injury to the Respondent and will based upon the provision of California Code of Code of Civil Procedure, Section 527, upon that motion has served the Petitioner to vacate voiable [sic] judgment entered ....."

1/ The record suggests there are or were one or more federal action filed by husband against wife, various attorneys and various judges and that the federal action or action seek, in part, to overturn the interlocutory judgment of dissolution of marriage. The record further suggests that husband may have appealed to the Ninth Circuit on one or more cases.

In response to the injunction motion wife filed an opposition stating that husband had not complied with Code of Civil Procedure section 527 and had not filed points and authorities and had not set forth any legal reason for issuance of the injunction.

Husband responded to the opposition to his injunction motion with a motion to "dismiss" wife's opposition to his injunction motion. No reason was in this motion which required "dismissal" of the opposition.

On December 2, 1980, hearing was held on husband's motion and they were denied.

On appeal husband husband seeks to relitigate the interlocutory judgment of dissolution of marriage as if this was an appeal from that judgment. It is not! husband's contentions aimed at a direct attack on that judgment are beyond the scope

of this appeal and are far beyond the record before us.

Husband states on appeal that the hearing of December 2, 1980 "is another conspiracy of .... wife, her attorney ... and the judge of the said case." Husband further states he has filed a federal court action against the judge who heard the December 2, 1980, mater. Husband's brief is packed with claims that virtually everyone connected to this case has engaged in criminal acts and conspiracies against him. Husband's accusation of conspiracy in the December 2, 1980, proceeding is unsupported by the record and is a spurious contention.

Husband also contends that denial of his motion to vacate violated Rules 222 and 223 of California Rules of Court. Both rules concern trial matters, not hearing on motion such as made by husband, and are inapposite herein. Rules 222 primarily concerns whether

within 30 days of the date set concerning cases set for trial on that day.

We assume husband is also arguing that the motion to vacate was improperly denied because the interlocutory judgment was, according to him, the result of the commission of crime, the conspiracy of all involved save husband, and executed in derogation of law and facts. There was no evidence presented in support of the motion to vacate and we are left by husband with nothing to review save his opinions, freely expressed in the opining brief. The effort to relitigate the interlocutory judgment is unmeritorious.

We can find no comprehensible issue concerning the preliminary injunction denial. We note, however, that denial of that motion was proper in that husband did not "show satisfactorily that sufficient ground exist therefor." (Code Civ. Proc.,

§ 527, subd. (a).) Furthermore, the application was not supported by an affidavit or verified complaint. (Code Civ. Prod., § 527.)

In an incredible lack of understanding of the legal process, husband asks in his opening brief that we order the payment of hundreds of thousanfs of dollars to him from wife and others, that we compel return to husband of host of personal property items, that we award him a year's worth's child support, that we award husband spousal support, that we return the family home to him ana charge wife with rent and disbarment of two attorneys and misconduct hearing on four judges. Husband obviously has no concept of what he is doing court.

Husband has failed to demonstrate wrror on this appeal. Affirmed.

NOT TO BE PUBLISHED IN OFFICAL REPORTS.